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LEGISLATIVE HISTORY

Public Law 265--79th Congress

Chapter 584--1st Session

S. 405

TABLE OF CONTENTS

Digest of Public Law 265 1

Index and Summary of History on S. 405 1

552227

DIGEST OF PUBLIC LAW 265

CIVIL SERVICE RETIREMENT ACT AMENDMENT. Amends this Act so as to permit employees to elect to receive credit toward retirement on the basis of their military service while on leave from their civilian positions.

INDEX AND SUMMARY OF HISTORY ON S. 405

January 25, 1945	Introduced by Mr. Downey and referred to the Senate Committee on Civil Service.
September 13, 1945	Senate Committee reported S. 405 with an amendment. Senate Report 563. Print of the bill as reported. Bill was reported during recess.
September 14, 1945	Debated in Senate and passed with amendment.
September 17, 1945	Referred to House Committee on Civil Service.
December 10, 1945	House Civil Service Committee reported S. 405 with amendment. House Report 1350. Print of the bill as reported.
December 17, 1945	Discussed in House and passed as reported.
December 18, 1945	House and Senate agreed to amendment.
December 21, 1945	Approved. Public Law 265.

79TH CONGRESS
1ST SESSION

S. 405

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 1945

Mr. DOWNEY introduced the following bill; which was read twice and referred to the Committee on Civil Service

A BILL

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 2 of section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, be, and the same is hereby, amended by striking out all of the said paragraph 2 thereof and inserting in lieu thereof the following:

"In computing length of service for the purposes of this Act, all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, except leaves of absence granted employees while perform-

ing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States or while receiving benefits under the United States Employees' Compensation Act, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute."

79TH CONGRESS
1ST SESSION

S. 405

A BILL

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

By Mr. DOWNEY

JANUARY 25, 1945
Read twice and referred to the Committee on Civil Service

Calendar No. 562

79TH CONGRESS, 1st Session | SENATE | REPORT No. 563

CREDIT FOR MILITARY SERVICE FOR PURPOSES OF CIVIL SERVICE RETIREMENT ACT

SEPTEMBER 13, 1945.—Ordered to be printed

Mr. DOWNEY, from the Committee on Civil Service, submitted the following

REPORT

[To accompany S. 405]

The Committee on Civil Service, to whom was referred the bill (S. 405) to amend further the Civil Service Retirement Act approved May 29, 1930, as amended, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The purpose of this bill, as amended by the committee, is to provide for allowing full credit for retirement purposes under the Civil Service Retirement Act for military service performed by employees while on leave of absence from their civilian positions.

Under existing law, an employee of the Government serving with the military or naval forces who is carried on the rolls of the department or agency in a furlough or leave-without-pay status will be entitled, without contribution to the retirement fund, to credit for all leaves of absence (with or without pay) from his civil position not exceeding 6 months in the aggregate in any calendar year. The employee may, upon return to civil employment, elect to receive full credit for the time covered by the military or naval service by making deposit covering the entire period of such service of the basic pay received while so serving together with interest. On the other hand, the employee may elect to have his military or naval service credited without deposit, in which event the annuity otherwise due would be reduced by the amount such deposit would purchase. The period of service credit cannot exceed the actual calendar time in any case. In other words, double time may not be allowed for both civil and military service covering the same calendar period.

An election by an employee upon termination of his military service to receive full credit for the time spent in the military service may operate to his disadvantage by reducing his average annual salary

upon which the amount of the annuity may depend. On the other hand, if he elects to have credit for the civil service for the period of leave, with or without pay, he may suffer a loss in length of service.

Paragraph 2, section 5, of the Civil Service Retirement Act, reads in part:

> In computing length of service for the purposes of this Act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, except such leaves of absence granted employees while receiving benefits under the United States Employees' Compensation Act * * *.

Under this provision, full credit for leave without pay is allowed in the case of persons who are in receipt of benefits under the Employees' Compensation Act. The committee believes that no person who is inducted into the military service or is a member of the military forces during a war period should suffer any disadvantage by reason of his military service. As the Retirement Act at present provides full credit for leave without pay in the case of persons who are receiving benefits under the Employees' Compensation Act, a like privilege should be granted an employee who is carried on leave while performing military service.

The credit thus allowable under the bill would be computed on the basis of the employee's civilian pay at the time of his entrance into the military or naval service. In lieu of this credit, the employee would be entitled under the committee amendment at his option to receive full credit for such service without deposit, based upon his military pay. This provision would be advantageous to the employee who received military pay at a rate higher than that of his civilian position.

The Civil Service Commission has recommended the enactment of this legislation.

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Calendar No. 562

79TH CONGRESS
1ST SESSION

S. 405

[Report No. 563]

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 1945

Mr. DOWNEY introduced the following bill; which was read twice and referred to the Committee on Civil Service

SEPTEMBER 13, 1945

Reported, under authority of the order of the Senate of September 12, 1945, by Mr. DOWNEY, with an amendment

[Insert the part printed in italic]

A BILL

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 2 of section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, be, and the same is hereby, amended by striking out all of the said paragraph 2 thereof and inserting in lieu thereof the following:

"In computing length of service for the purposes of this Act, all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded,

except leaves of absence granted employees while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States or while receiving benefits under the United States Employees' Compensation Act, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute: *Provided, That an employee may, at his option, receive full credit for all such military or naval service, without deposit, in lieu of the leave credit accorded herein, without reduction in annuity benefits.*"

Calendar No. 562

79TH CONGRESS
1ST SESSION

S. 405

[Report No. 563]

A BILL

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

By Mr. DOWNEY

JANUARY 25, 1945

Read twice and referred to the Committee on Civil Service

SEPTEMBER 13, 1945

Reported with an amendment

22. PERSONNEL. Sen. Downey, Calif., and others discussed S. Res. 172, and Sen. Downey stated "We are faced with such questions as how they are going to be supported, how they can find jobs, how they will be educated, how many of them will wish to go on farms"(p. 8737). (See item 20.)

Passed without amendment S. 102, to provide for counting military service of certain employees of the legislative branch in determining eligibility for civil-service status (pp. 8737-8). This bill was reported during recess (S. Rept. 560) (p. 8735).

Passed without amendment S. 576, to eliminate the 1-year time limit within which incumbents of positions covered into the classified service may be recommended for classification (p. 8738). This bill was reported during recess (S. Rept. 561) (p. 8735).

Passed without amendment S. 1036, to provide for payment of accumulated or accrued leave to certain members of the military service who enter or reenter civilian U.S. employment (pp. 8738-9). This bill was reported during recess (S. Rept. 562) (p. 8735).

Passed with amendment S. 405, to amend the Civil Service Retirement Act so that an employee may elect to receive full credit for his military service towards retirement (p. 8739). This bill was reported during recess (S.Rept. 563) (p. 8735).

Passed with amendment H.R.3256, to amend the Civil Service Retirement Act in order to protect retirement rights of persons who leave the service to enter the armed forces (p. 8739) This bill was reported during recess (S.Rept.564) (p. 8735).

23. ADJOURNED until Tues., Sept. 18, 1945 (p. 8746).

ITEMS IN APPENDIX

Extension of remarks of

24. GOVERNMENT REORGANIZATION. Rep. Pittinger, Minn., urged reorganization in the executive branch and inserted a Washington Evening Star news item on Comptroller General Warren's testimony on this subject (pp. A4203-4).

25. MISSOURI VALLEY AUTHORITY. Sen. Murray, Mont., inserted a Union Farmer article and a letter by Dr. M.E. Garnsey (Univ. of Colo.) favoring an MVA (pp. A4189-90).

Rep. Barrett, Wyo., inserted a Mitchell (N.Dak.) Gazette editorial urging care in consideration of this project (p.A4204).

26. FARM PROGRAM. Extension of remarks of Sen. Guffey, Pa., on post-war farm production and including a Farmers Defender article "The Future of Farmers" (pp. A4188-9).

27. SURPLUS POTATOES. Sen. Brewster, Maine, inserted the potato-growers committee recommendations on the disposal of surplus supplies of white potatoes (p.A4183).

28. FOREIGN TRADE. Sen. Brewster, Maine, inserted Sen. Hart's (Conn.) address "Some Aspects of Foreign Commerce" (pp. A4184-5).

Extension of remarks of Rep. McDonough, Calif., urging establishment of a free port in the Los Angeles-Long Beach, Calif., area to further Central and South American trade (p. 4199).

29. UNEMPLOYMENT COMPENSATION. Sen. Tunnell, Del., inserted Sen. Guffey's (Pa.) address criticizing Governor Martin's (Pa.) opposition to unemployment compensation and aid to veterans through rehabilitation, education, maintenance and education (p. A4183).

BILLS INTRODUCED

30. CLAIMS. S. 1390, by Sen. Langer, N.Dak., to limit the time within which damage actions may be brought by the U.S. To Judiciary Committee. (pp. 8727-8.)

31. POTATO PRICES. S. 1396, by Sen. Brewster, Maine, to amend the AAAct of 1938, for the purpose of regulating interstate and foreign commerce in potatoes so as to provide an adequate and stable supply with fair prices for producers and consumers. To Agriculture and Forestry Committee. (p. 8728.)

32. PUBLIC LANDS. S. 1387, by Sen. Hatch, N.Mex., relative to the disposition of public lands situated in Okla. between the Cimarron base line and the north boundary of Tex. To Public Lands and Surveys Committee. Remarks of author. (p. 8728.)

H.R. 4065, by Rep. Bennett, Mo., to amend the act reorganizing the General Land Office. To Public Lands Committee. (p. 8760.)

33. EMPLOYMENT. S. 1389, to provide for returning to the States of the Employment Service facilities. To Education and Labor Committee. Remarks of author. (pp. 8728-9).

34. HEALTH. H.R. 4059, by Rep. Patterson, Calif., to provide for the general welfare by making more adequate provision for the health and welfare of mothers and children. To Labor Committee. (p. 8760.)

35. PERSONNEL. H.R.4069, by Rep. Rees, Kans., to provide for the protection of veterans and career-service employees in connection with reductions in force in the Federal service. To Civil Service Committee. (p. 8760.)(See item 2.)

36. WATER POLLUTION. H.R. 4070, by Rep. Spence, Ky., to provide for water-pollution-control activities in the U.S. Public Health Service. To Rivers and Harbors Committee. (p. 8760.)

37. TERMINATION OF WAR. H. Con. Res. 85, by Rep. Boren, Okla., declaring the date of the termination of hostilities of the present war. To Judiciary Committee. (p. 8760.)

COMMITTEE HEARINGS Released by G.P.O.

38. PUBLIC LANDS. Administration and use of public lands, pursuant to S.Res. 139. Pt. 14, Salt Lake City, Utah. Senate Public Lands and Surveys Committee.

39. VOCATIONAL EDUCATION. S. 619, to provide for vocational education and retraining of youth and adults. Senate Education and Labor Committee.

40. PATENTS. Recording patent agreements and limiting patents to 20 years. H.R.2630, H.R. 2631, and H.R. 2632. House Patents Committee.

41. SURPLUS PROPERTY. H.R. 3907, to provide for administration of the Surplus Property Act of 1944 by a Surplus Property Administrator. House Expenditures in the Executive Departments Committee.

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For supplemental information and copies of legislative material referred to call Ext. 4654, or send to Room 112 Adm. Arrangements may be made to be kept advised, routinely, of developments on any particular bill.

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COMMITTEE HEARINGS ANNOUNCEMENTS for Sept.17: S.Judiciary, Government reorganization (ex.);H.Appropriations, deficiency(ex.);H.Interstate,brand names and newsprint.

- o -

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PROCEEDINGS AND DEBATES OF THE 79th CONGRESS, FIRST SESSION

Vol. 91 WASHINGTON, FRIDAY, SEPTEMBER 14, 1945 No. 161

Senate

(Legislative day of Monday, September 10, 1945)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, in the quiet of this moment of prayer, we would make our souls the sanctuary of Thy spirit. Be Thou our chart and compass in all the complex problems of state. Endue with understanding and sympathy, as well as with a sense of stern justice, those who as Thy ministers in great capitals of the world are planning peace and plenty for lands torn and uprooted by the ghastly horrors of war.

Grant us brotherhood, not of words but of acts, not bounded by barriers of tongue—a brotherhood that sees that freedom must be nurtured or it dies, that if our brethren anywhere are oppressed we are oppressed, that if they hunger we hunger. As workers together with Thee, teach our hearts and our hands to build, in these our days, that city where Thou shalt dwell with man, where darkness and sorrow and pain and want shall be no more. In the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, September 12, 1945, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3660. An act to provide for financial control of Government corporations; and

H. R. 3974. An act to provide for termination of daylight saving time.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the bill (H. R. 3907) to provide for administration of the Surplus Property Act of 1944 by a Surplus Property Administrator, and it was signed by the President pro tempore.

REPORTS OF COMMITTEE FILED DURING THE RECESS

Under authority of the order of the Senate of the 12th instant,

Mr. DOWNEY, from the Committee on Civil Service, to which were referred the following bills, reported them on September 13, 1945, and submitted reports thereon:

S. 102. A bill to amend section 2 (b) of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to provide for counting military service of certain employees of the legislative branch in determining the eligibility of such employees for civil-service status under such act; without amendment (Rept. No. 560);

S. 405. A bill to amend further the Civil Service Retirement Act approved May 29, 1930, as amended; with an amendment (Rept. No. 563);

S. 576. A bill to amend the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such act may be recommended for classification; without amendment (Rept. No. 561);

S. 1036. A bill to provide for the payment of accumulated or accrued leave to certain members of the military and naval forces of the United States, who enter or reenter civilian employment of the United States, its Territories or possessions, or of the District of Columbia, before the expiration of such leave; without amendment (Rept. No. 562); and

H. R. 3256. A bill to amend the Civil Service Retirement Act approved May 29, 1930, as amended, in order to protect the retirement rights of persons who leave the service to enter the armed forces of the United States; with amendments (Rept. No. 564).

JOINT COMMITTEE TO INVESTIGATE PEARL HARBOR ATTACK

The PRESIDENT pro tempore. The Chair appoints the Senator from Kentucky [Mr. BARKLEY], the Senator from Georgia [Mr. GEORGE], the Senator from Illinois [Mr. LUCAS], the Senator from Maine [Mr. BREWSTER], and the Senator from Michigan [Mr. FERGUSON] as the members on the part of the Senate of the Joint Committee to Investigate the Pearl Harbor Attack, authorized by Senate Concurrent Resolution 27.

The Secretary will notify the House of Representatives of these appointments.

EXPRESSION OF APPRECIATION FOR FLORAL WREATH ON OCCASION OF FUNERAL OF THE LATE SENATOR JOHNSON, OF CALIFORNIA

The PRESIDENT pro tempore laid before the Senate a letter from Hiram W. Johnson, Jr., of San Francisco, Calif., expressing appreciation on the part of the family of the late Senator Johnson, of California, for the floral wreath sent by the Senate on the occasion of his funeral, which was ordered to lie on the table.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

RESCISSIONS OF PORTIONS OF NAVY DEPARTMENT AND NAVAL SERVICE APPROPRIATIONS (H. Doc. No. 286)

A communication from the President of the United States, transmitting proposed rescissions of portions of appropriations available for the Navy Department and naval service for the fiscal year 1946 (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

ADJUSTMENT OF CERTAIN CLAIMS OF POSTMASTERS

A letter from the Postmaster General, transmitting a draft of proposed legislation, to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended (with an accompanying paper); to the Committee on Post Offices and Post Roads.

PERSONNEL REQUIREMENTS

A letter from the Alien Property Custodian transmitting, pursuant to law, an estimate of personnel requirements for his office for the quarter ending December 31, 1945 (with

and certainly all of us feel that the release of the doctors from the services has been entirely too slow. The main thing in the letter that impressed me, aside from the statement respecting the lack of work for the doctors, and their desire to get home, was the statistical information contained in the next to the last paragraph of the letter, and if it is not asking too much, I wish he would read it again. I refer to ratio of men to medical officers in the services.

Mr. HOEY. The letter says:

Although these facts are true, the Army still desires a ratio of 1 medical officer to every 165 men.

Then the letter continues:

Civilian medical care is adequately administered in peacetime by only one doctor per thousand individuals.

Mr. MAYBANK. Mr. President, will the Senator again yield?

Mr. HOEY. I yield.

Mr. MAYBANK. I know that my distinguished colleague the Senator from North Carolina, will agree with me that we can go further than the writers of that letter have gone in respect to the ratio of doctors to civilians. In South Carolina there is 1 doctor, as I recall, for 2,570 individuals. I am not exactly familiar with the figure for North Carolina. I placed it in the record of the hearings in the Military Affairs Committee yesterday. I believe the ratio in North Carolina is 1 doctor to every 2,100 individuals.

Mr. HOEY. That is about correct.

Mr. MAYBANK. So the situation in those two States is even far worse than the doctors who wrote the letter believe it to be. They believe the ratio to be about 1 to 1,000.

Mr. President, I should like to add, with the Senator's permission, a brief comment, respecting the ratio of one doctor to 2,500 individuals in South Carolina and one doctor to 2,100 individuals in North Carolina. Those civilians are the mothers and the fathers, the sisters and the brothers of the enlisted men and officers in the armed services. Not only is the present situation of concern to the doctors themselves who are in the services and want to get out, but it is of deep concern to the personnel of both the Army and the Navy, because they believe that their families back home, for whom they have been fighting and for whom they have sacrificed so much, are not receiving proper medical care.

Mr. HOEY. I agree thoroughly with the Senator from South Carolina, and I thank him for his statement.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. AIKEN. I wish to supplement what the Senator from North Carolina has so ably presented. I think all of us have received letters from doctors in the services telling of their enforced idleness wherever they may be stationed, and the fact that they have very little to do. I have received many letters from communities in my own State telling of the desperate conditions those communities are in for lack of medical services. Only this morning I received a letter from the secretary of the State medical association pointing out that there was bound to be great distress in the rural communities this winter if some of the doctors now in the military service were not released in time to get home to attend to the civilian population.

I think all of us want the armed services to have all the doctors they need, but we do not want them to keep doctors in idleness in the services while their communities at home are in desperate need of them. I hope the armed services will take steps to release men who are necessary in their home communities, not only doctors but others, and get them back there as soon as they can without any further encouragement from or legislation passed on the subject by the Congress.

Mr. HOEY. I thank the Senator from Vermont. The condition which he describes in his State is exactly the condition that obtains in North Carolina. For instance, I applied to the War Department the other day for the release of a doctor for a community in North Carolina with a population of 8,000, in which the doctor had died. There was not a single doctor in that community. So far the War Department has not granted the discharge of that doctor from the service. In that particular instance it was indicated that the doctor for whose release I asked had been on no active duty of importance for 6 weeks.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. ANDREWS. I wish to say that I thoroughly agree with the statements made by the distinguished Senator from North Carolina and the distinguished Senator from South Carolina as well as the distinguished Senator from Vermont. The situation which has just been explained to the Senate, including the statistics just given as applying to the Army, also applies to the Navy. The same situation exists with respect to the dentists and pharmacists. For example, one can hardly secure an appointment with a dentist to take care of an emergency situation, in less than 60 days. That has been my experience. Some emergency situations simply cannot wait that long. The result is that doctors and dentists must take care of cases which cannot wait at all, and let such a matter wait as taking care of one who has lost the filling from his tooth. Such an individual must suffer for a considerable time. I know the situation has become difficult to handle. I know of many instances of doctors now in the service who have done nothing much except something like guard duty, and I feel that the civilian population should be better protected by releasing doctors who are really not needed in the armed services.

Mr. President, we ought to thank the Lord each day we continue to live that no epidemic has afflicted this country such as occurred during the last World War. It is terrible to contemplate what would have happened to the United States if such an epidemic had afflicted us, because there would not have been a sufficient number of doctors to take care of it, nor would there have been a sufficient number of pharmacists, or a sufficient number of nurses. Many more lives would have been lost, as was true in the last war, by reason of illness and the conditions at home. The boys in the service are deeply interested in what is happening to their wives, mothers, fathers, and sisters at home.

Mr. HILL. Mr. President, will the Senator from North Carolina yield?

Mr. HOEY. I yield.

Mr. HILL. The Senator has brought to the attention of the Senate a most important and urgent matter. I wish to state that on Wednesday the Senate Committee on Military Affairs began hearings and an investigation of the whole question of demobilization of the Army and Navy and the matter of discharges and releases from our armed services. The hearings have now continued for 2 days. They are not yet completed, but the record of the hearings will disclose that there has been no matter with respect to which the members of the Committee on Military Affairs have been more insistent, or have more strongly urged upon representatives of the departments who have appeared before the committee, than the matter of the compelling need for the immediate release not only of doctors, but of dentists as well, in order that they may return home and meet the needs which the distinguished Senator from North Carolina has described to the Senate today.

I think I can say that when the hearings are resumed on Monday we shall find that the members of the Committee on Military Affairs will continue to demand and insist that action be no longer delayed, but that as many doctors and dentists as possible be released and sent home now in order to meet the conditions which the Senator from North Carolina has so well and timely brought to the attention of this body.

As the distinguished Senator from South Carolina [Mr. MAYBANK] suggests, we have pressed not only for the release of doctors and dentists, but also the release of nurses. There can be no question that throughout the country there is a most urgent need for doctors, dentists, and nurses. I think there can be no doubt that there are in the armed services today many doctors, dentists, and nurses who could be released at this time, and who should be released so as to enable them to return to their homes and meet the crying and compelling needs of the civilian population.

Mr. CONNALLY. Mr. President, will the Senator from North Carolina yield?

Mr. HOEY. I yield.

Mr. CONNALLY. I have listened to the remarks of the distinguished Senator from Alabama with approval, but I am of the opinion that doctors and dentists are not the only ones in the Army who ought to be discharged. Many married men with families lack only a point or two, and cannot get out of the Army, when they ought to be released and permitted to go home and reestablish their homes and businesses. I have talked with responsible persons in the Army and Navy, and in some cases I get just about as much response as I would get from talking to that wall over there.

79TH CONGRESS
1ST SESSION

S. 405

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1945

Referred to the Committee on the Civil Service

AN ACT

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 2 of section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, be, and the same is hereby, amended by striking out all of the said paragraph 2 thereof and inserting in lieu thereof the following:

"In computing length of service for the purposes of this Act, all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, except leaves of absence granted employees while perform-

79TH CONGRESS
1ST SESSION

S. 405

AN ACT

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

SEPTEMBER 17, 1945

Referred to the Committee on the Civil Service

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE
(Issued December 11, 1945, for actions of Monday, December 10, 1945)

(For staff of the Department only)

CONTENTS

A.A.A.....22
Animal industry..... 3
Appropriations.....1,2
Corporations.....23
Crop insurance.....22
Expenditures.....7,23
Extension work.....22
Farm production.....22
Farm program.....11,22
F.S.A.....22
Fertilizer.....22
Forestry.....26
Health.....8,22,28
Housing.....13
Information.....2
Labor.....6,27
Livestock and meats...22,31
Loans, farm.....22
Loans, foreign.....7,14,19
Machinery, farm..... 9
Marketing.....22,23,31
Nominations.....15
Parity.....22
Personnel.....4,8,22,28
Price control.....12,20,22
Property, surplus.....9,30
Regional authority.....10
Relief, foreign..... 2
Research.....26
Roads.....22
Small business.....20,21
Soil conservation.....22
Taxation.....23
Transportation.....5,24,29
Veterans.....22
Wages.....22,25

HIGHLIGHTS: House received conference reports on appropriation-rescission and UNRRA-appropriation bills. House committee reported bill to transfer Interior's fur-bearing animal activities to Agriculture. Sen. O'Daniel introduced bill to repeal Price Control Act.

HOUSE

1. APPROPRIATION-RESCISSION. Received the second conference report on H.R.4407 (pp. 11960-1). (No agricultural items included.) House conferees had been appointed earlier in the day (p. 11921).

2. UNRRA-APPROPRIATION BILL. Received the conference report on H.J.Res. 266, making additional appropriations for UNRRA (p. 11960). The reported bill provides that the recommendations, as contained in Rep. Herter's amendment favoring action to persuade recipients of UNRRA aid to agree to various matters (including publication of their trade and barter agreements), are not expressed as a limitation but as a request; and (2) that the "free-press" requirement be based on a request that the President facilitate admission of press and radio representatives to recipient countries (p. 11960).

3. ANIMAL INDUSTRY. The Agriculture Committee reported with amendment H.R.2114, to provide for the transfer to this Department of Government fur-bearing animal activities, which effect the breeding, etc., of such animals (H.Rept. 1346)(p. 11967).

4. PERSONNEL. The Civil Service Committee reported with amendment S. 405, to amend the Civil Service Retirement Act so that an employee may elect to receive full credit for his military service towards retirement (H.Rept. 1350), and S. 576, to eliminate the 1-year time limit within which incumbents of positions covered into the classified service may be recommended for classification (H.Rept. 1351) (p. 11968).

5. TRANSPORTATION. Passed, 277-45, as reported H.R.2536, the Bulwinkle bill to

authorize common carriers (including freight forwarders) to apply to the Interstate Commerce Commission for approval of agreements between carriers, authorize the Commission to approve such agreements when in furtherance of the national transportation policy, grant anti-trust law relief with respect to making and carrying out agreements approved by the Commission, and preclude approval of agreements between carriers of difference classes except those limited to matters relating to transportation (1) under joint rates or (2) over through routes (pp. 11931-60). Rep. Tarver, Ga., discussed the effect of this bill on freight rates of agricultural commodities (pp. 11939-44).

6. LABOR. Rep. Biemiller, Wis., spoke opposing the Arends bill, H.R. 3937, to repeal the War Labor Disputes Act and abolish the NLRB (pp. 11965-7).

7. EXPENDITURES. Rep. Rich, Pa., criticized Federal expenditures and the proposed loan to Great Britain (p. 11920).

SENATE

8. HEALTH. Began debate on S. 191, the Federal-aid-for-hospital-construction bill (pp. 11891-902, 11903-17).

9. SURPLUS PROPERTY; FARM MACHINERY. Sen. Langer, N. Dak., inserted a Slope Coun (N.Dak.) Farmers Union petition urging that Government surplus farm machinery, trucks, and tractors be released for farm and agricultural use (p. 11886).

10. MISSOURI VALLEY AUTHORITY. Agreed to Sen. Thomas' (Okla) request to extend the time to Mar. 15 for the Agriculture and Forestry Committee to report S. 555, the MVA bill (pp. 11902-3).

11. FARM PROGRAM. Sen. Capper, Kans., inserted the National Grange platform on agricultural problems (pp. 11888-9).

12. PRICE CONTROLS. Sen. Hickenlooper, Iowa, inserted a constituent's telegram urging investigation of the possibility of eliminating all price controls, except on sugar, fats, and rents (p. 11885).

13. HOUSING. Received a Racine (Wis.) Common Council petition favoring the Wagner-Ellender-Taft housing bill, S. 1592 (p. 11885).

14. FOREIGN LOANS. Sen. Langer, N.Dak., spoke opposing proposed loans to Great Britain (p. 11891).

15. NOMINATIONS. Confirmed the nominations of W.E. Lee and W. J.Patterson to be Interstate Commerce Commissioners (p. 11918).

BILLS INTRODUCED

16. PRICE CONTROL. S. 1676, by Sen. O'Daniel, Tex., to repeal the Emergency Price Control Act. To Banking and Currency Committee. Remarks of author (p.11887).

17. SURPLUS PROPERTY; VETERANS. H.R. 4931, by Rep. Doyle, Calif., to facilitate purchases of surplus property by veterans. To Expenditures in the Executive Departments Committee. (p. 11968)

18. ADMINISTRATIVE PROCEDURE. H.R. 4941, by Rep. Sumners, Tex., to improve the administration of justice by prescribing fair administrative procedures. To Judiciary Committee. (p. 11968.)

ions to instigate untimely strikes. These men pose as great agitators, blow up ordinary grievances into major issues—with the employer, of course, helping—condemn the union officials as milk-toast leaders, and inflame the men until they walk out. Then if this bill were law the union would lose its rights because of the employers' actions.

But such things would not happen, some of you say. I say they have happened and can happen again and again. I am not saying all employers would take such steps, but I am saying there is always a small percentage of employers who would welcome such an opportunity. And I am equally certain no fair-minded person, cognizant of the possibility, would want to vote for the Arends bill and thus indirectly sponsor this most vicious of all tactics of labor-management disputes.

And may I again remind you that with the carry-forward-carry-back provisions of the excess-profits tax still in operation next year, many employers do not care whether they operate all the time or not. What an opportunity the tax law plus the Arends bill would give the labor-hating employer to crush unions.

I have reserved for discussion the language in the proposed enactment pertaining to the no-strike provision. A straight construction of that language would render the section inoperative if the agreement did not contain a specific no-strike clause. It should be noted that the second sentence in the section which deals with damages applies regardless of whether or not the agreement contains a no-strike provision. But there are rules of law which permit courts to indulge in interpretation and construction of laws and to read into provisions "intent" and "implications." For instance, judges opposed to labor can very well read into the proposed law an implied no-strike pledge. Courts can very well say, and many of them will say, that the very fact an agreement was entered into governing wages, hours, and working conditions, constituted an implied agreement not to engage in stoppages of work, or to exercise other economic pressure during the life of the agreement. In other words, the agreement itself is a no-strike pledge.

Not until the Supreme Court of the United States will have construed the law will we know definitely whether the provision proposed by the House Military Affairs Committee is applicable only to those agreements which contain a specific no-strike pledge. From the foregoing, it will be observed that the provision is not only dangerous to the rights of labor, but it may destroy the very existence of trade unions.

Mr. Speaker, I do not believe a bill more vicious in intent, more prejudicial in effect, more repugnant to American principles has ever been brought on the floor of the House.

It destroys our basic American concept that government should not take sides in labor-management disputes. It clearly favors the most unscrupulous of employers and discriminates against labor unions. It violates the Bill of Rights. It is a big stride on the road toward repressive governmental control of all economic groups, be they employers, labor, or farmers.

I sincerely hope that tomorrow this House will vote this bill the death sentence it so richly deserves. I hope we will never again be called upon to take action on a measure brought before us in a manner so devious, by those who hate labor. I hope that labor legislation brought before us in the future will be properly presented, and fairly considered in committee. I hope that any further legislation will come up at a time when passions are not heated and when we can calmly recognize that labor-management relations are human relations, and that cooperation will obtain much greater results than repression.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, permission was heretofore granted me to speak for 10 minutes today. I ask unanimous consent that this special order be transferred to tomorrow.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

FOREIGN SERVICE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks and include a copy of a broadcast by Col. Albert L. Warner regarding General Hurley's resignation and the vital importance of developing an adequate foreign service.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix of today's RECORD.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MURDOCK, for 10 days, on account of official business.

To Mr. MALONEY, for 10 days, on account of official business.

To Mr. KEARNEY (at the request of Mr. MARTIN of Massachusetts) indefinitely, on account of illness.

To Mr. LARCADE, for 5 days, on account of official business attending flood control meeting in New Orleans.

To Mrs. DOUGLAS of California, for 4 days, on account of official business.

EXTENSION OF REMARKS

Mr. GORE asked and was given permission to revise and extend his remarks.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table, and, under the rule, referred as follows:

S. 1610. An act to provide for the rehabilitation of the Philippine Islands, and for other purposes; to the Committee on Insular Affairs.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 119. A joint resolution to provide for national elections in the Philippine Islands.

ADJOURNMENT

Mr. PATRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p. m.) the House adjourned until tomorrow, Tuesday, December 11, 1945, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INVALID PENSIONS

(Tuesday, December 11, 1945)

The Committee on Invalid Pensions will have an executive meeting on Tuesday, December 11, 1945, at 10:30 a. m., in room 247, Old House Office Building.

COMMITTEE ON THE JUDICIARY

(Tuesday, December 11, 1945)

The Special Subcommittee on Bankruptcy and Reorganization of the Committee on the Judiciary will continue hearings to begin at 10 a. m. on Tuesday, December 11, 1945, on the bill (H. R. 4779) to enable debtor railroad corporations whose properties during a period of 7 years have provided sufficient earnings to pay fixed charges to effect a readjustment of their financial structure without further proceedings under section 77 of the Bankruptcy Act, as amended. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SABATH: Committee on Rules. House Resolution 452. Resolution providing for the consideration of H. R. 4199 to extend the existing contributory system of retirement benefits to elective officers of the United States and heads of executive departments; without amendment (Rept. No. 1344). Referred to the House Calendar.

[*Omitted from the Record of December 7, 1945.*]

Mr. GRANGER: Committee on Agriculture. H. R. 2115. A bill relating to the domestic raising of fur-bearing animals; with amendment (Rept. No. 1346). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEAVER: Committee on the Judiciary: H. R. 4230. A bill to provide necessary officers and employees for circuit courts of appeals and district courts; without amendment (Rept. No. 1347). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLOOM: Committee on Foreign Affairs. House Concurrent Resolution 75. Concurrent resolution inviting the United Nations to locate seat of government in the United States; without amendment (Rept. No. 1348). Referred to the House Calendar.

Mr. RAMSPECK: Committee on the Civil Service. S. 102. An act to amend section 2 (b) of the act entitled "An act extending the classified executive civil service of the United States", approved November 26, 1940, so as to provide for counting military service of certain employees of the legislative branch in determining the eligibility of such employees for civil-service status under such act; without amendment (Rept. No. 1349). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAMSPECK: Committee on the Civil Service. S. 405. An act to amend further the Civil Service Retirement Act approved May 29, 1930, as amended; with amendment (Rept. No. 1350). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAMSPECK: Committee on the Civil Service. S. 576. An act to amend the act entitled "An act extending the classified executive civil service of the United States", approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such act may be recommended for classification; with amendment (Rept. No. 1351). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 4587. A bill to provide for the appointment of additional commissioned officers in the Regular Army and for other purposes; with amendment (Rept. No. 1352). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAY: Committee on Military Affairs. S. 1354. An act to authorize the permanent appointment in the grades of General of the Army, Fleet Admiral of the United States Navy, and general in the Marine Corps, respectively, of certain individuals who have served in such grades during the Second World War; with amendment (Rept. No. 1353). Referred to the Committee of the Whole House on the State of the Union.

Mr. WOODRUM of Virginia: Select Committee on Postwar Military Policy submits its final report pursuant to House Resolution 465 (79th Cong., 1st sess.) (Rept. No. 1356). Referred to the Committee of the Whole House on the State of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4861) granting a pension to James Thomas Lanpher; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

A bill (H. R. 4865) granting an increase of pension to Frank A. Klein; committee on Pensions discharged and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOYLE:

H. R. 4931. A bill to facilitate purchases of surplus property by veterans; to the Committee on Expenditures in the Executive Departments.

By Mr. MURDOCK:

H. R. 4932. A bill to amend section 9 of the Boulder Canyon Project Act, approved December 21, 1928; to the Committee on Irrigation and Reclamation.

H. R. 4933. A bill to provide for the establishment of a national monument at Travertine Bridge, Gila County, Ariz.; to the Committee on the Public Lands.

By Mr. HOFFMAN:

H. R. 4934. A bill to amend the National Labor Relations Act of July 5, 1935, as amended; to the Committee on Labor.

H. R. 4935. A bill to amend section 6 of an act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation" (48 Stat. 980; title 18, sec. 420 (d), U. S. C.); to the Committee on the Judiciary.

H. R. 4936. A bill to amend the National Labor Relations Act of July 5, 1935, as amended; to the Committee on Labor.

H. R. 4937. A bill to amend the National Labor Relations Act of July 5, 1935, as amended; to the Committee on Labor.

By Mr. McGEHEE:

H. R. 4938. A bill to reimburse certain Navy and Marine Corps personnel and former Navy and Marine Corps personnel for personal property lost or damaged as the result of fires which occurred at various Navy and Marine Corps shore activities; to the Committee on Claims.

By Mr. McDONOUGH:

H. R. 4939. A bill relating to the promotion and pay of retired Army officers; to the Committee on Military Affairs.

By Mrs. WOODHOUSE:

H. R. 4940. A bill granting the consent of Congress to the State of Connecticut, acting by and through any agency or commission thereof, to construct, maintain, and operate a toll bridge across the Connecticut River at or near Old Saybrook, Conn.; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMNERS of Texas:

H. R. 4941. A bill to improve the administration of justice by prescribing fair administrative procedure; to the Committee on the Judiciary.

By Mr. WEISS:

H. J. Res. 286. Joint resolution to develop and maintain a program of physical fitness for American youth and to provide jobs for war veterans; to the Committee on Education.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DWORSHAK:

H. R. 4942. A bill for the relief of Stanley C. Blattner and Vivian C. Blattner; to the Committee on Claims.

By Mr. GEARHART:

H. R. 4943. A bill for the relief of Fred A. Gottlieb; to the Committee on Claims.

By Mr. KING:

H. R. 4944. A bill for the relief of Gail E. Plinkett; to the Committee on Pensions.

H. R. 4945. A bill for the relief of the estate of Roman D. Sepulveda; to the Committee on Claims.

H. R. 4946. A bill for the relief of Alvin G. Patton; to the Committee on Claims.

By Mr. JENSEN:

H. R. 4947. A bill for the relief of Ethel Guenther; to the Committee on Claims.

By Mr. McGEHEE:

H. R. 4948. A bill for the relief of Herbert C. Rockwell; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1390. By Mr. KING: Resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., on Tuesday, October 30, 1945, relative to proposal for naval academy on the Pacific coast; to the Committee on Naval Affairs.

1391. Also petition to the Congress of the United States and the Federal Communications Commission, deploring the failure of many American broadcasting stations to perform properly the public service to which they are pledged; and deploring the excessive profits of many licensees, made at the expense of public service on licenses granted by the people; to the Committee on Interstate and Foreign Commerce.

1392. By The SPEAKER: Petition of director, American Civil Liberties Union, petitioning consideration of its resolution with reference to opposition to H. R. 3937; to the Committee on Military Affairs.

1393. Also, petition of Local 75, UAW-CIO, petitioning consideration of its resolution with reference to returning veterans to the United States; to the Committee on Military Affairs.

79TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 1350

AMENDING FURTHER THE CIVIL SERVICE RETIREMENT ACT APPROVED MAY 29, 1930

DECEMBER 10, 1945.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAMSPECK, from the Committee on the Civil Service, submitted the following

REPORT

[To accompany S. 405]

The Committee on the Civil Service, to whom was referred the bill (S. 405) passed by the Senate on September 14, 1945, to amend further the Civil Service Retirement Act, approved May 29, 1930, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

On page 2, line 6, strike out the colon after the word "substitute" and insert a period.

On page 2, beginning with the word "*Provided*" in line 6, strike out the remainder thereof and all of lines 7, 8, and 9.

GENERAL STATEMENT

The purpose of this bill, as amended by the committee, is to provide for allowing full credit for retirement purposes under the Civil Service Retirement Act for the period of military service performed by employees while on leave of absence from their civilian positions.

Under existing law an employee of the Government serving with the military or naval forces who is carried on the rolls of the department or agency in a furlough or leave-without-pay status will be entitled, without contribution to the retirement fund, to credit for all leaves of absence (with or without pay) from his civil position not exceeding 6 months in the aggregate in any calendar year. The employee may, upon return to civil employment, elect to receive full credit for the time covered by the military or naval service by making deposit covering the entire period of such service of the basic pay received while so serving together with interest. On the other hand, the employee may elect to have his military or naval service credited

without deposit, in which event the annuity otherwise due would be reduced by the amount such deposit would purchase. The period of service credit cannot exceed the actual calendar time in any case. In other words, double time may not be allowed for both civil and military service covering the same calendar period.

An election by an employee upon termination of his military service to receive full credit for the time spent in the military service may operate to his disadvantage by reducing his average annual salary upon which the amount of the annuity may depend. On the other hand, if he elects to have credit for the civil service for the period of leave, with or without pay, he may suffer a loss in length of service.

In lieu of the 6 months' credit in each calendar year heretofore mentioned, the bill would allow credit for all of such period of service without deposit therefor by the employee.

The committee believes that no person who is inducted into the military service or is a member of the military forces during a war period should suffer any disadvantage by reason of his military service. As the Retirement Act at present provides full credit for leave without pay in the case of persons who are receiving benefits under the Employees' Compensation Act, a like privilege should be granted an employee who is carried on leave while performing military service.

The credit thus allowable under the bill would be on the basis of the employee's rate of pay in the civil position.

The committee does not favor the proviso contained in the Senate bill which would permit an employee to elect to receive full credit for such service based upon his military pay. The allowance of such election would be discriminatory against employees serving in the military service in grades below that of a commissioned officer. Should it be to the advantage of an employee upon retirement to credit this period of service upon the basis of his military pay, he would, under the terms of the law, be permitted to make deposit for such service on the basis of his military pay.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in the Retirement Act of May 29, 1930, as amended, are shown as follows (new matter is printed in italics; existing law in which no change is proposed is shown in roman; existing law proposed to be omitted is enclosed in black brackets):

SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this Act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices, or the legislative branch of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; * * * in the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary to entitle him to pension shall not be included; but in the

case of an employee who is eligible for and receives pension or compensation under laws administered by the Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided. * * *

[In computing length of service for the purposes of this Act all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, except such leaves of absence granted employees while receiving benefits under the United States Employees' Compensation Act, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.]

In computing length of service for the purposes of this Act, all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, except leaves of absence granted employees while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States or while receiving benefits under the United States Employees' Compensation Act, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

○

Union Calendar No. 411

79TH CONGRESS
1ST SESSION

S. 405

[Report No. 1350]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1945

Referred to the Committee on the Civil Service

DECEMBER 10, 1945

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through]

AN ACT

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 2 of section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, be, and the same is hereby, amended by striking out all of the said paragraph 2 thereof and inserting in lieu thereof the following:

"In computing length of service for the purposes of this Act, all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded,

except leaves of absence granted employees while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States or while receiving benefits under the United States Employees' Compensation Act, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute~~: *Provided,* That an employee may, at his option, receive full credit for all such military or naval service, without deposit, in lieu of the leave credit accorded herein, without reduction in annuity benefits~~."

Passed the Senate September 14 (legislative day, September 10), 1945.

Attest: LESLIE L. BIFFLE,

Secretary.

By JOHN C. CROCKETT,

Chief Clerk.

Union Calendar No. 411

79TH CONGRESS
1ST SESSION

S. 405

[Report No. 1350]

AN ACT

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

SEPTEMBER 17, 1945

Referred to the Committee on the Civil Service

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Misc.
17.

OFFICE OF BUDGET AND FINANCE 79th-1st, No. 224
Legislative Reports and Service Section

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

(Issued December 18, 1945, for actions of Monday, December 17, 1945)

(For staff of the Department only)

CONTENTS

Animal industry.....6
Appropriations.....1,17,31
Bankruptcy.....25
Budgeting.....2
Claims.....14
Cotton.....4
Employment.....2
Farm production.....29
Federal Trade Commission.12
Feed.....27
Foreign affairs....11,17,31
Forestry.....8,19
Grain.....21,27
Health.....20
Housing.....7,10,19,32
Imports.....21
Inflation.....28
Lands, public.....9
Loans, farm.....3,33
Military training.....24
Personnel.....10,16,20
Price control.....28
Property, surplus...13,34
Reclamation.....15
Research.....6
Rural rehabilitation....5
Selective service.....22
Soil conservation.....11
Statistics.....4
Transportation.....30
Veterans.....3,7,26,33
Welfare Department.....18
Wildlife.....23

HIGHLIGHTS: House conferees appointed on 1st deficiency and full-employment bills. House passed bill to permit postponement of crop reports. House committee reported bill to liquidate rural-rehabilitation projects. House received conference report on bill to liberalize GI loans. Senate debated Federal pay and UNRRA authorization bills. President approved UNRRA-appropriation measure.

HOUSE

1. FIRST DEFICIENCY APPROPRIATION BILL, 1946. Reps. Cannon, Woodrum, Ludlow, Snyder, O'Neal, Rabaut, Johnson, Taber, Wigglesworth, Dirksen, and Engel were appointed conferees on this bill, H.R.4805 (p. 12385). Senate conferees were appointed Dec. 15.

2. FULL EMPLOYMENT BILL. Reps. Manasco, Cochran, Whittington, Hoffman, and Bender were appointed conferees on this bill, S. 380 (p. 12380). Senate conferees were appointed Dec. 15.

3. GI BILL AMENDMENTS. Received the second conference report on this bill, H.R. 3749 (pp. 12380-5). As reported the bill increases to 10 years the time within which applications may be made for loans and provides that such applications be approved in advance by the Veterans' Administration; limits amortization on real estate loans to 25 years, except in the case of farm realty which shall be 40 years; and eliminates requirement for review of proposed regulations by the Senate Finance and House World War Veterans' Legislation Committees. (For other items see Digest 197.)

4. COTTON STATISTICS. Passed without amendment H.R.4769, to permit postponement of crop reports when issue date falls on a non-work day (p. 12387).

5. RURAL REHABILITATION. The Agriculture Committee reported with amendments H.R. 2501, to authorize the Secretary of Agriculture to continue administration of and ultimately liquidate Federal rural rehabilitation projects (H.Rep.1453)(p. 12413).

6. FUR-BEARING ANIMALS. Passed over, on objection of Rep. Cole, N.Y., H.R. 2115, to transfer fur-bearing animal activities to this Department (p. 12389).

7. HOUSING; VETERANS. The Rules Committee reported a resolution for the consideration of S.J.Res. 122, to authorize additional appropriations to provide housing for veterans (p. 12385).

8. FORESTRY. Concurred in the Senate amendment to H.R.608, to exclude certain land in Deschutes County, Oreg., from the provisions of R.S. 2319-37 so as to provide recreational areas (p. 12385). This bill will now be sent to the President.

9. PUBLIC LANDS. The Agriculture Committee reported without amendment H.R.4319, to transfer FSA land and property in Limestone County to Tex. (H.Rept. 1454) (p. 12413).

10. PERSONNEL. Passed as reported S. 405, to amend the Civil Service Retirement Act so as to provide that an employee may elect to receive full credit for his military service toward retirement (pp. 12389-90).

Passed over, at the request of Rep. Cole, N.Y., S. 102, to provide for counting military service of certain Legislative-Branch employees in determining eligibility for civil-service status under the Civil Service Classification Act (p. 12389).

Passed as reported S. 576, to eliminate the 1-year time limit within which incumbents of positions covered into the classified service may be recommended for classification (p. 12390).

Passed over, on objection of Rep. Barden, N.C., H.R. 1118, to amend the Hatch Act so as to authorize CSC to determine penalties for violation of such Act (p. 12390).

Received CSC's draft of proposed legislation to grant additional basic authority to CSC. To Civil Service Committee. (p. 12412.)

Received CSC's draft of proposed legislation to amend the "Act to prevent purchase and sale of public office." To Judiciary Committee. (p. 12413.)

11. UNO BILL. The Rules Committee reported a resolution for the consideration of this bill, S. 1580 (p. 12401). Rep. Stewart, Okla., spoke commending the SCS programs and their international importance (pp. 12405-7).

12. FEDERAL TRADE COMMISSION. Received FTC's report on resale price maintenance. To Interstate and Foreign Commerce Committee. (p. 12412.)

13. SURPLUS PROPERTY. Received State Department's draft of proposed legislation to amend the Surplus Property Act to designate that Department as disposal agency for surplus property outside the continental U.S. To Expenditures in the Executive Departments Committee. (p. 12412.)

14. CLAIMS. Passed over, on objection of Rep. Cole, N.Y., H.R. 181, to provide for adjustment of certain tort claims against the U.S. and confer jurisdiction in respect thereto on U.S. district courts (p. 12387).

15. RECLAMATION. Passed without amendment H.R. 1689, to authorize Interior to purchase improvements or pay damages for removal of improvements on U.S. lands on the Boise Reclamation Project (p. 12389).

SENATE

16. FEDERAL PAY BILL. Continued debate on this bill, S. 1415, to increase Federal salaries by 20% (pp. 12321-4, 12327-30). Sen. Downey, Calif., compared present Federal salaries with the increased cost of living.

17. UNRRA AUTHORIZATION. Began debate on H.R. 4649, to increase the appropriation authorization for UNRRA by $1,350,000,000. (pp. 12335-44).

This bill, Mr. Speaker, House Joint Resolution 265, has been unanimously reported by the Rivers and Harbors Committee of the House, after full discussion. It amends existing law relating to improvement of rivers and harbors, so that projects authorized by Congress may receive an appropriation from Congress and the War Department engineers then proceed with the work at an appropriate time. I wish the gentlemen who are raising questions had an opportunity to examine Public Law 14, Seventy-ninth Congress, approved March 2, 1945. This law authorizes completion of many rivers and harbors projects as well as the construction of new projects. It contains a section which says, however, that the Appropriations Committee cannot appropriate money for any of these projects and none of them can be constructed until 6 months after the termination of the war, which was in progress on March 2, 1945. This pending bill, House Joint Resolution 265, eliminates the above requirements about the termination of the war. That is all there is to it.

Now is the time to get ready for our internal improvements and to make it possible to provide jobs for returning soldiers who will be looking for this kind of work. So far as construction of public highways is concerned, that legislation had this same stipulation requiring everything to wait until 6 months after the war was officially declared terminated. We have already amended highway-construction legislation so as to eliminate this 6-month requirement. This pending measure ought to pass the House this afternoon, and I am sure that if my colleagues have a chance to study the hearings before the Rivers and Harbors Committee of the House of Representatives that they will not object to its passage.

Mr. RICH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANDERSON RANCH RESERVOIR SITE, BOISE RECLAMATION PROJECT, IDAHO

The Clerk called the bill (H. R. 1689) authorizing the Secretary of the Interior to purchase improvements or pay damages for removal of improvements located on public lands of the United States in the Anderson Ranch Reservoir site, Boise reclamation project, Idaho.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to purchase improvements located on public lands of the United States within the boundaries of the Anderson Ranch Reservoir, Boise reclamation project, Idaho, or to make payment for damages for the removal of improvements from the public lands of the United States within the boundaries of said reservoir. Any funds appropriated for the construction of the Anderson Ranch Reservoir, Boise reclamation project, Idaho, shall be available for such purchase or payment of damages. Payments may be made pursuant to this act to persons, firms, or corporations who shall establish to the satisfaction of the Secretary of the Interior that they are entitled equitably to receive the same, and who sign contracts and vouchers for the same upon forms approved by the Secretary of the Interior: *Provided*, That amounts so paid shall not exceed the reasonable value, in the judgment of the Secretary of the Interior, of the improvements purchased or the actual damages (not exceeding in any event the reasonable value of the said improvements, as determined by the Secretary of the Interior) found by the Secretary of the Interior to have been sustained as a result of the removal of said improvements, as the case may be.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DOMESTIC RAISING OF FUR-BEARING ANIMALS

The Clerk called the bill (H. R. 2115) relating to the domestic raising of fur-bearing animals.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, this bill seeks to do a bit of reorganization in the executive departments by transferring certain activities in connection with the raising of rabbits from the Secretary of the Interior to the Secretary of Agriculture. In view of the fact that the Congress has just given the President authority to make all sorts of reorganizations in the departments, it should be done by the President and not by legislation. Therefore, I object.

Mr. VOORHIS of California. Mr. Speaker, will the gentleman reserve his objection?

Mr. COLE of New York. I reserve the right of objection.

Mr. VOORHIS of California. Mr. Speaker, the purpose of this bill is very simple. It has been asked for universally by the farmers involved. Many thousands of farmers in the country raise these fur-bearing animals, one of which is domestic rabbits, and other fur-bearing animals. All Government contacts with them are handled through the Fish and Wildlife Service. The operations are purely domestic agriculture. The animals are domestic animals. All this bill seeks to do is to put that farming operation in the Department of Agriculture. The only objection comes from the department that will lose jurisdiction. The case is absolutely clear.

Mr. COLE of New York. Let me ask the gentleman whether this transfer from the Department of the Interior to the Department of Agriculture cannot be done by Executive order?

Mr. VOORHIS of California. Theoretically, it could, but what is the matter with the Congress using its own head in something like this? It is much more difficult for the Executive to take something away from a department than it is for us. When we have a case that is as clear as this one, it seems to me we ought to act.

This has already been approved by the Senate Committee on Agriculture and the House Committee on Agriculture.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I object.

OFFICERS AND EMPLOYEES FOR CIRCUIT COURTS OF APPEALS AND DISTRICT COURTS

The Clerk called the bill (H. R. 4230) to provide necessary officers and employees for circuit courts of appeals and district courts.

The SPEAKER. Is their objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OF CLASSIFIED EXECUTIVE CIVIL SERVICE ACT

The Clerk called the bill (S. 102) to amend section 2 (b) of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to provide for counting military service of certain employees of the legislative branch in determining the eligibility of such employees for civil-service status under such act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, I do so to call attention to the fact that the report covering this bill does not comply with the rules of the House, in particular section 2 (a) of rule 23.

I therefore ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDING FURTHER THE CIVIL SERVICE RETIREMENT ACT OF MAY 29, 1930

The Clerk called the bill (S. 405) to amend further the Civil Service Retirement Act (approved May 29, 1930, as amended.

Mr. RICH. Mr. Speaker, reserving the right to object, may we have this bill explained?

Mr. LAFOLLETTE. Mr. Speaker, this is a bill that came from the Senate Committee on the Civil Service to the House Committee on the Civil Service. It is designed to extend to men who left the classified service to enter the armed forces the same privilege they would have, had they transferred to civilian employment and then come back into civil service.

The House committee struck out the very bad provision of the Senate act which would have permitted the person to come back and be given credit under the Retirement Act for his military pay. In other words, there would have been much greater advantage to the man who was a major compared to the man who was a private. We struck that out, and the bill in its present form is simply a bill that treats all alike in the matter of credit for military service.

Mr. RICH. It puts them back into civil service where they were before they left?

Mr. LAFOLLETTE. Exactly.

Mr. RICH. That is required of industry. It is a good thing to be required of government. I do not see why we need legislation to do a simple thing like that.

Mr. LAFOLLETTE. The fact is, we need it, however.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That paragraph 2 of section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, be, and the same is hereby, amended by striking out all of the said paragraph 2 thereof and inserting in lieu thereof the following:

"In computing length of service for the purposes of this act, all periods of separation from the service, and so much of any leaves of absence as may exceed 6 months in the aggregate in any calendar year, shall be excluded, except leaves of absence granted employees while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States or while receiving benefits under the United States Employees' Compensation Act, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute: *Provided*, That an employee may, at his option, receive full credit for all such military or naval service, without deposit, in lieu of the leave credit accorded herein, without reduction in annuity benefits."

With the following committee amendment:

On page 2, line 7, after the word "substitute", change the colon to a period and strike out the balance of the bill.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDED CLASSIFIED EXECUTIVE CIVIL SERVICE ACT

The Clerk called the bill (S. 576) to amend the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940, so as to eliminate the time limit within which incumbents of positions covered into the classified service pursuant to such act may be recommended for classification.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That clause (1) of subsection (a) of section 2 of the act entitled "An act extending the classified executive civil service of the United States," approved November 26, 1940 (54 Stat. 1212), is amended to read as follows: "(1) upon recommendation by the head of the agency concerned, and upon certification by such head to the Civil Service Commission that such incumbent has served with merit for not less than 6 months immediately prior to the date such office or position was covered into the classified civil service;".

With the following committee amendments:

Page 1, line 7, strike out all of line 7 and insert "Upon a finding by the Civil Service Commission on the basis of the personal record of the incumbent."

Page 2, line 1, strike out all of line 1.

Page 2, line 2, strike out the word "Commission."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO AMEND THE HATCH ACT

The Clerk called the bill (H. R. 1118) to amend the Hatch Act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DONDERO. Mr. Speaker, reserving the right to object, will the author of the bill make some explanation of its purpose.

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. HOBBS. Mr. Speaker, will the gentleman withhold that request for a moment?

Mr. BARDEN. Yes; to permit the gentleman to make a brief statement.

Mr. HOBBS. Mr. Speaker, reserving the right to object, a letter set forth in the report shows the purpose of the amendment which is to give the Civil Service Commission in its discretion in enforcing the Hatch Act——

Mr. BARDEN. Mr. Speaker, will the gentleman yield at that point?

Mr. HOBBS. Of course, I am glad to yield.

Mr. BARDEN. If I understand this bill correctly, it gives the Civil Service Commission judicial authority, or rather the authority to impose fines on employees.

Mr. HOBBS That is not the purpose exactly.

Mr. BARDEN. Is not that exactly what it does? If it finds that the offense committed does not justify discharging the employee it can assess fines against the employee up to a certain amount.

Mr. HOBBS. That is right, instead of requiring them to impose the supreme penalty which is equivalent to a much higher fine.

Mr. BARDEN. Mr. Speaker, the bill going that far, I object to its consideration.

RELIEF OF CERTAIN SETTLERS OF KETCHUM, IDAHO

The Clerk called the bill (S. 832) to amend the act entitled "An act for the relief of certain settlers in the town site of Ketchum, Idaho," approved July 11, 1940, so as to extend for 3 years the time for making application for benefits thereunder.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the act entitled "An act for the relief of certain settlers in the town site of Ketchum, Idaho", approved July 11, 1940, is amended by striking out the words "3 years" and inserting in lieu thereof the words "6 years."

The bill was ordered to be read a third time; was read the third time and passed, and a motion to reconsider laid on the table.

AUTHORIZING STATE OF TENNESSEE TO CONVEY RAILROAD RIGHT-OF-WAY THROUGH MONTGOMERY BELL PARK

The Clerk called the bill (S. 1366) to authorize the State of Tennessee to convey a railroad right-of-way through Montgomery Bell Park.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the State of Tennessee is hereby authorized and empowered to convey a right-of-way for railroad purposes, not in excess of 100 feet in width, to the Nashville, Chattanooga & St. Louis Railway over, through, and across the Montgomery Bell Park in Dickson County, Tenn. previously known as the Montgomery Bell recreational demonstration area), notwithstanding the express condition contained in deed dated May 25, 1943, from the United States of America to the State of Tennessee, which deed was executed pursuant to the act of June 6, 1942 (56 Stat. 326), entitled "An act to authorize the disposition of recreational demonstration projects and for other purposes." Such conveyance by the State of Tennessee shall not be deemed a breach of the express condition that the State of Tennessee should use the said property exclusively for public park, recreational, and conservation purposes. The State of Tennessee is authorized to expend funds received as a consideration for such conveyance for the acquisition of additional land needed to round out the Montgomery Bell Park area.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTINUANCE TO THE END OF JUNE 1946 OF THE NAVY'S V–12 PROGRAM

Mr. VINSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 290.

The Clerk read the resolution, as follows:

Resolved, etc., That surplus amounts under any naval appropriation for the fiscal year 1946, not to exceed in the aggregate $10,000,000, may be transferred to the appropriation "Naval Reserve, 1946," for continuing the V–12 program to the end of June 1946.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. VINSON. Mr. Speaker, the Naval Affairs Committee is presenting this resolution to make available to the Navy Department $10,000,000 of unexpended funds which have already been appropriated for the Navy for the fiscal year 1946. The Rules Committee has reported a rule making this bill in order. I am, therefore, asking unanimous consent that the House consider it now.

Mr. Speaker, this bill permits the V–12 college training program and the naval ROTC program which involves some 20,000 enlisted men of the Navy to continue in their training until at least the end of June 1946. When the rescission bill was before the Congress it gave to the Navy Department the total amount called for by the recommendation of the Budget for the V–12 and the Navy ROTC program, but the Budget had cut down the amount that the Navy had requested and needed; therefore, the Congress followed the judgment of the Budget but did not follow the judgment of the Navy Department before the Budget. The result will be that in March 1946 all of these boys, some 20,000 of them, will have to leave the V–12 program and the naval ROTC colleges and will be sent to the fleet.

OFFICE OF BUDGET AND FINANCE
Legislative Reports and Service Section · 79th-1st, No. 225

DIGEST OF PROCEEDINGS OF CONGRESS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

(For staff of the Department only)

CONTENTS

Accounting.....1
Appropriations.....1
Claims.....1
Committee assignments....15
Commodity Credit.....1
Electrification.....25
Exports.....11,21
Extension service.....1,28
F.A.O.....1
Farm income.....29
Federal Reserve.....16
Food production.....2
Foreign affairs.....1,3,8
Forestry.....1,26
Foreign relief.....1,3,23
Highways.....1,18
Housing.....1,4,6,22
Insecticides.....1
Labor.....1,27
Machinery, farm.....5
Marketing.....1,2
National defense.....17
Nomination.....11
Personnel.....1,7,9,13
Prices.....14,26
Property, surplus.....1
...5,12,20,24
Public works.....1
Reclamation.....1
Research.....1
Statistics.....1,19
Subsidies.....2
Transportation.....1,18
Vehicles.....1
Veterans.....1,4,17,24
War powers.....,10,16
Wage stabilization.....1

HIGHLIGHTS: House received conference report on 1st deficiency appropriation bill. Senate passed Federal-pay bill. Rep. Phillips criticized food subsidies. Senate Committee reported bill to provide privileges, etc. to international organizations.

HOUSE

1. FIRST DEFICIENCY APPROPRIATION BILL, 1946. Received the conference report on this bill, H.R.4805 (pp. 12490-2). As reported the bill provides:

E&PQ, salaries and expenses (foreign plant quarantine), $187,500 (House, $125,000; Senate, $250,000).

FS, forest protection and management, $300,000 (Senate) and forest roads and trails, $4,000,000, of which $2,000,000 is for forest development roads and trails and $2,000,000 is for forest highways.

Commodity Credit Corporation, $762,000 for salaries and administrative expenses, payable from CCC funds.

Marketing Service, Insecticide Act, $26,500 (Senate).

Wage stabilization, $98,700 increase in limitation on existing WFA funds to carry out this program through the fiscal year 1946 (Senate).

Farm labor supply program, $25,000,000 (Senate figure; House, $14,000,000), plus unexpended balance; provides that at least $7,000,000 (Senate figure; House, $5,000,000) must be apportioned among the States; limits labor supply center construction by extension services to $100,000; makes $562,023 additional available for administrative expenses; and permits the admission of agricultural workers into the U.S. through Dec. 31, 1946.

UNRRA, $750,000,000.

Budget Bureau, $56,800 (for corporation budget work).

CSC, $600,000, (Senate, $1,200,000).

Public-works planning, $12,500,000 (House figure; Senate, $25,000,000).

Federal highways (FWA), $25,000,000.

GAO, $2,673,900.

Census Bureau, $2,435,000 (House, $1,970,000; Senate, $3,295,000).

Surplus property: Provides that hereafter proceeds from surplus-property

dispositions shall be set aside in a special fund; appropriates this fund, not to exceed $170,000,000 for the fiscal year 1946, to the Surplus Property Administrator for allocation or reimbursement to disposal and service agencies.

Motor vehicle parking agency, $5,000 (Senate).

Bureau of Reclamation, $81,462,300 (House, $37,206,100: Senate, $85,491,300

FAO, $577,000.

Judgments and claims.

The school-lunch and the veterans' housing items were reported in disagreement. The House conferees agreed to recommend concurrence in the Senate school-lunch amendment with an amendment making available an additional amount of $7,500,000.

2. SUBSIDIES. Rep. Phillips, Calif., criticized food subsidies and commended Secretary Anderson's "efforts to bring a semblance of order into the confused and chaotic picture of food production and distribution (pp. 12487-9).

3. UNO BILL. Passed, 344-15, with amendments this bill, S. 1580 (pp. 12452-71). Rep. Vorys, Ohio, criticized UNRRA administration (pp. 12457-8).

Reps. Bloom, L.A. Johnson, and Eaton and Sens. Connally, Wagner, Thomas (Utah), LaFollette, and Vandenberg were appointed conferees on this bill (pp. 12487, 12447).

4. VETERANS; HOUSING. Passed with amendment S.J. Res. 122, to provide adequate housing for veterans (pp. 12471-87). Agreed to Rep. McMillen's (Ill.) amendment to provide for reimbursement to educational institutions, local public agencies, or nonprofit organizations out of available funds provided by the 1st Deficiency Appropriation Bill, 1946, for expenses incurred in providing veterans' housing (pp. 12485-6).

5. SURPLUS PROPERTY. Rep. Elliott, Calif., criticized the "run-around" given to veterans in the disposal of surplus property, referring particularly to farm machinery and tractors (p. 12451).

6. HOUSING. Rep. Weichel, Ohio, criticized the proposed destruction of homes at Sandusky, Ohio (p. 12489).

SENATE

7. FEDERAL PAY BILL. Passed, 62-3, with amendment S. 1415, to provide salary increases for Federal employees (pp. 12421-3, 12423-37).

Agreed, 47-19, to Sen. Byrd's (Va.) amendment to amend the Federal Employees Pay Act of 1945 so as to provide for a prorated increase in Federal salaries as follows: an increase of 36% on the first $1,200, 12% of that part over $1,200 but not over $4,600, and 9% of that part over $4,600 (pp. 12428-36).

8. INTERNATIONAL ORGANIZATIONS. The Finance Committee reported with amendments H.R. 4489, to grant certain privileges, exemptions, etc., to employees of international organizations (p. 12417).

9. PERSONNEL; RETIREMENT. Agreed to Sen. Downey's (Calif.) motion to concur in the House amendment to S. 405, to amend the Civil Service Retirement Act so as to provide full credit, toward retirement, for military service (pp. 12421, 12423). The House amendment struck out the provision allowing optional credit for military service, without deposit, in lieu of leave credit, without reduction in annuity benefits. This bill will now be sent to the President.

10. WAR POWERS. Began debate on H.R. 4780, to continue the Second War Powers Act (pp. 12444-5).

The PRESIDING OFFICER. The question is on the motion of the Senator from California.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. CAPPER, Mr. LANGER, and Mr. YOUNG entered the Chamber and answered to their names.

After a little further delay Mr. HART, Mr. MEAD, Mr. O'MAHONEY, and Mr. RADCLIFFE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

CREDIT FOR MILITARY SERVICE FOR RETIREMENT IN THE CIVIL SERVICE

The PRESIDING OFFICE laid before the Senate the amendment of the House to the bill (S. 405) to amend further the Civil Service Retirement Act approved May 29, 1930, as amended, which was on page 2, line 6, to strike out all after "substitute" down to and including "benefits" in line 9.

Mr. DOWNEY. Mr. President, I am glad to turn from a somewhat controversial matter to one which I think is not controversial. The Senate recently passed a bill giving military personnel the right to claim credit for their military service in the civil retirement system.

As the Senate passed the bill, a member of the military forces had the right to elect whether he would receive a credit for his military or his civilian pay. It was placed in the alternative. The House has stricken out the alternative provision, so the veteran would have the right to be credited only with what his civilian pay was when he left the civil-service employment.

Mr. President, the difference between the House and Senate is not serious, and I move concurrence in the House amendment.

Mr. WHITE. Can the Senator tell us as to the attitude of the committee generally toward the House amendment?

Mr. DOWNEY. I can only say that it was discussed at some length before our committee, and there are different ideas pro and con. We finally decided to adopt the most generous viewpoint toward the member of the military personnel, but I do not think it is a matter of serious concern. In most cases probably the civilian pay would be higher than the military pay, but in the case of a person who was a major, or a colonel, or a general, if there should be such a one who would be claiming this right, of course, the military pay would be higher.

Mr. WHITE. The Senator's motion is to concur in the House amendment?

Mr. DOWNEY. Yes.

PROHIBITION AGAINST DRAFTING MEN HAVING CHILDREN

Mr. REVERCOMB. Mr. President, will the Senator yield to me at this time?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from West Virginia?

Mr. DOWNEY. I yield.

Mr. REVERCOMB. On November 8 I introduced a Senate joint resolution which later became known as Senate Joint Resolution 116. The purpose of it was to stop the drafting into the armed forces of men having children and to release men having children from the armed forces upon their application, if they assigned that as a ground. The joint resolution was referred to the Committee on Military Affairs, and on December 4 the Committee on Military Affairs acted adversely on a motion to report it favorably to the Senate.

At this time I wish to move to discharge the Committee on Military Affairs from further consideration of the joint resolution and that it be brought to the floor of the Senate and placed upon the calendar, to be taken up and considered by the Senate at a proper time.

Mr. President, I cannot but call the attention of the Senate—and I do so very earnestly—to the fact that for several days we have been taking action looking to the assistance of needy people in foreign countries. We have adopted a resolution to aid people in establishing their homeland, which was proper. Surely this Government is not going to forget its own people.

Mr. DOWNEY. Will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. DOWNEY. I am unwilling to pass the regular order of business to allow the Senator to proceed with this controversial matter.

Mr. REVERCOMB. Let me say to the Senator that I am merely going to make a motion, not for action upon the joint resolution, but merely to place it upon the calendar for action in the future when it may properly be brought up.

Mr. DOWNEY. Mr. President, I should have to raise a point of order on that. I hope the Senator will not impede the Federal pay legislation.

Mr. REVERCOMB. I think that in 2 or 3 minutes I could say all I care to say. I shall speak no further on it than to call it to the attention of the Senate, and to say that it is one of the most burning questions. I feel that before the Senate adjourns for the holidays it should take this action, and place the joint resolution on the calendar, so that at a proper time it may be acted on. I do not wish to interfere with the regular order of business, but I make the motion, and ask for a vote on it.

The PRESIDING OFFICER. The motion at this time is not in order.

Mr. DOWNEY. I hope——

Mr. REVERCOMB. Will the Senator yield further for an inquiry of the Chair?

Mr. DOWNEY. Yes; I yield for an inquiry of the Chair.

Mr. REVERCOMB. The Chair rules that I am out of order in making this motion. Upon what ground am I out of order?

The PRESIDING OFFICER. The Senator can ask unanimous consent, but a motion would be out of order, because under the rule such a motion could only be made during the morning hour under the order of "Introduction of concurrent and other resolutions."

Mr. REVERCOMB. Would the Senator from California yield for another inquiry addressed to him?

Mr. DOWNEY. I yield.

Mr. REVERCOMB. I hope the Senator will not make the point of order against my motion, because I am not asking that the important legislation to which I have alluded be passed upon, but merely that it be placed upon the calendar for future consideration. The motion can be voted upon in a minute, and the question I am presenting now thus be disposed of.

Mr. DOWNEY. I have no objection to the Senator making it in the form of a unanimous-consent request.

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHITE. I understood the Chair to lay before the Senate a bill with an amendment by the House, and the Senator from California moved to concur in the House amendment. Is not the motion to concur in the House amendment debatable?

The PRESIDING OFFICER. Yes; that is the pending motion, and it is debatable.

Mr. WHITE. I presume, then, that under that ruling the Senator from West Virginia is clearly within his rights in debating the motion.

Mr. DOWNEY. Mr. President, I have the floor.

Mr. REVERCOMB. Will the Senator yield for a moment?

Mr. DOWNEY. I yield.

Mr. REVERCOMB. I merely wish to know whether the Senator from California is going to make a point of order against the motion to discharge the committee in order to bring this joint resolution to the calendar.

Mr. DOWNEY. I have already stated I shall not do so, if the Senator will ask unanimous consent of the Senate to that effect.

The PRESIDING OFFICER. Does the Senator ask unanimous consent?

Mr. REVERCOMB. It does not have to be in the form of a unanimous-consent request to get it before the Senate, unless the Senator objects to it. I ask that the motion be put as a motion to bring this joint resolution to the calendar.

The PRESIDING OFFICER. It requires unanimous consent. If the Senator will ask for that, the Chair will gladly present the request to the Senate.

Mr. REVERCOMB. I ask unanimous consent——

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Wyoming?

Mr. DOWNEY. I yield.

Mr. O'MAHONEY. The Senate is rapidly drawing to the conclusien of this session. To make a motion now, as the Senator from West Virginia does, in the absence of the chairman of the Committee on Military Affairs and the member of the committee who was acting chairman during the absence in Europe of the Senator from Utah [Mr. THOMAS], would seem to me not to be a recognition of the rights of a legislative committee.

I suggest to the Senator from West Virginia that, instead of attempting to make a motion which is clearly out of order, he state the reasons which impel

him to make the motion, make whatever remarks he cares to present on the matter, and then, when the parliamentary situation is cleared up and the members of the Committee on Military Affairs have been given notice that the Senator proposes to move to discharge the committee, he make his motion. I certainly think that a quorum call would have to be made now to try to bring the chairman of the Committee on Military Affairs to the Senate.

Mr. REVERCOMB. Mr. President, will the Senator from California yield?

Mr. DOWNEY. I yield.

Mr. REVERCOMB. Let me say that I have no objection whatsoever to the chairman of the Committee on Military Affairs being present. I wish he were here. A quorum call has just been ended, to which he did not respond. The Senator from Wyoming says that the Senator who acted as chairman during the absence of the Senator from Utah in Europe is not present. I am sure he has not looked about, because the Senator from Colorado [Mr. JOHNSON] is present on the floor of the Senate as I speak now.

I did give notice that this matter would be brought up before the Senate on a motion to discharge the committee. I think a great wrong is being done to the men in the service who have children, many of whom are sitting over in the Pacific area, some of them doing nothing. The Army and the Navy both have refused to discharge men on the ground that they have children, except those who have three children, and I think that before we take the Christmas holidays we can do nothing more in keeping with our duty than to see to it that this measure is placed on the calendar for the earliest consideration by the Senate.

I repeat, I am not asking for passage of the joint resolution at this time. I am merely asking that it be put upon the calendar for consideration. I hope the Senate of the United States will not turn down the motion at this time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia?

Mr. JOHNSON of Colorado. Mr. President, I should like to ask the Presiding Officer what the status will be if the motion shall be agreed to.

The PRESIDING OFFICER. The usual procedure, the Chair is informed by the Parliamentarian, is that what is proposed by the Senator from West Virginia should be done by submission of a resolution which must lie over for 1 day. That is the regular procedure. Of course, the Senate can proceed by unanimous consent. That is what the Senator from West Virginia is now requesting. He is requesting unanimous consent, as the Chair understands, that the Committee on Military Affairs be discharged from further consideration of Senate Joint Resolution 116, and that the joint resolution be placed on the calendar.

Mr. REVERCOMB. That is correct, Mr. President. That is what my motion goes to. When the motion is made we cannot act on it today, but under rule XXVI, which appears on page 33 of the manual, the motion must lie over for 1 day at least before any action can be taken on it. All I request is that the committee be discharged from further consideration of the joint resolution, and that it be placed on the calendar so that the whole Senate may consider this very important and urgent matter.

Mr. JOHNSON of Colorado. Mr. President, is it the object of the Senator from West Virginia in making the motion at this time to comply with the provision of the Senate rule that such a motion must lie over for a day?

Mr. REVERCOMB. Yes, Mr. President. It must lie over for a day.

Mr. JOHNSON of Colorado. I have no objection.

Mr. O'MAHONEY. Mr. President, if I heard correctly what the Senator from West Virginia said, I am sure he misunderstands the parliamentary situation. The Chair has correctly announced that a motion to discharge a committee should be submitted in writing and should lie over for a day. That is the regular rule of the Senate. The Senator does not wish to obtain action upon the measure, but he does seek to obtain action upon his motion to discharge the Military Affairs Committee.

Mr. President, it seems to me that the Senator, who himself is a very distinguished and able member of that committee, should not undertake in this summary manner to move to discharge the committee at least in the absence of the chairman of the committee. I have suggested to him that, since the chairman of the committee does not happen to be present, the Senator might make his statement, which is a very important statement and has a very strong appeal. I know, as he knows, that the members of the committee have been very much concerned about the matter, and I am merely suggesting to the Senator that in the interest of orderly procedure he should not press for action upon his motion at the moment. Let us proceed with the unfinished business, and then, in due course, if——

Mr. REVERCOMB. Mr. President, will the Senator from Wyoming yield to me?

The PRESIDING OFFICER. The Senator from California [Mr. DOWNEY] has the floor.

Mr. REVERCOMB. Mr. President, will the Senator from California yield?

Mr. DOWNEY. For what purpose?

Mr. REVERCOMB. To reply to the statement of the Senator from Wyoming.

The PRESIDING OFFICER. Does the Senator from California yield; and if so, to whom?

Mr. DOWNEY. I will yield to the Senator from West Virginia if he wants to ask that his request for unanimous-consent agreement be placed before the Senate.

Mr. REVERCOMB. That is exactly what I wanted to ask for at this time.

Mr. DOWNEY. Very well.

Mr. REVERCOMB. And the chairman of the Military Affairs Committee, Mr. President, will have ample opportunity to state his position when this matter comes up for consideration before the Senate.

Mr. President, I ask unanimous consent that the Military Affairs Committee be discharged from further consideration of Senate Joint Resolution 116, and that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent made by the Senator from West Virginia?

Mr. LUCAS. A parliamentary inquiry. What is the request?

The PRESIDING OFFICER. The Senator from West Virginia has asked unanimous consent that the Military Affairs Committee be discharged from further consideration of the joint resolution which it now has before it, and that the joint resolution be placed on the calendar.

Mr. LUCAS. In the absence of the chairman of the committee, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REVERCOMB. Is there objection?

The PRESIDING OFFICER. Yes; objection was made by the Senator from Illinois.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. REVERCOMB. Mr. President, I offer a resolution providing for the discharge of the Committee on Military Affairs from further consideration of the joint resolution under discussion, and that the joint resolution may be placed on the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the resolution will be received and will lie over for a day.

The resolution (S. Res. 207) submitted by Mr. REVERCOMB, was received and ordered to lie over, under the rule, as follows:

Resolved, That the Committee on Military Affairs be, and it is hereby, discharged from the further consideration of the joint resolution (S. J. Res. 116) to direct and require the discharge of certain members of the armed forces, to prohibit the drafting of certain persons into the Army or Navy, and for other purposes.

Mr. REVERCOMB subsequently said: Mr. President, at this time I wish to announce that I have filed in writing a motion to discharge the Military Affairs Committee from further consideration of Senate Joint Resolution 116. I do not think it is necessary to make this announcement, but I do so in the presence of the able chairman of the Military Affairs Committe, the Senator from Utah [Mr. THOMAS], who is now present on the floor of the Senate, and state that tomorrow, under the rule, I desire to take up that motion.

Mr. THOMAS of Utah. Mr. President, if I am not out of order I should like to make a statement in reply to the statement made by the Senator from West Virginia. Of course, as chairman of the Committee on Military Affairs I would not resist the request of any member of that committee to have the committee discharged from the consideration of a measure, but I would not be fair to the Senate if I did not point out why such action would be unwise, especially if the action is taken at such a time as this.

The joint resolution in which the Senator from West Virginia is interested, stated briefly, provides that fathers shall not be drafted. The withdrawal of the

measure from the jurisdiction of the committee will make it possible for the measure to be placed on the calendar of the Senate and be acted upon. Before it can become law it would have to be passed by the House of Representatives and signed by the President of the United States. That would be impossible during the present session of the Congress, as everyone knows.

The procedure which the Senator from West Virginia is attempting to have followed can be brought into being by an order of the Selective Service System. It can be brought into being——

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. Permit me to make the statement first, Mr. President, and then we will know what we are talking about, if that is not an unfair request.

It can also be brought into being by a mere statement on the part of the Army that it does not wish any more fathers to be drafted. Then the Selective Service System would, of course, respond to that statement. These things were pointed out in committee, and the chairman said that he, of course, would be opposed to taking the long route of attempting to bring about something by law which everyone wanted to see accomplished, if it could be accomplished, by action of the Army or the Selective Service System or otherwise.

Therefore the chairman spoke to the Secretary of War and he has spoken to the Selective Service Commission. The Executive order necessary is in the process of preparation. Whether it will be forthcoming or not I do not know. But I do know that the progress which has so far been made has advanced the attainment of the desired objective much further than it would be advanced even by the enactment of a law in the normal way, or by following the suggestion of the Senator from West Virginia and discharging the Committee on Military Affairs.

Mr. President, I have no objection at all to the resolution which the Senator has filed. I do not in any sense resent its being filed. But I do think if the Senator from West Virginia is earnest and honest and desirous of accomplishing the purpose contained in his joint resolution that it would be better to let the processes which are now working continue to work before the Senator starts something which might interfere with those processes.

Mr. REVERCOMB. Mr. President, let me assure the Senator from Utah and every other Senator present that I am earnest and honest and sincere in this effort, so much so that I am calling up before the Senate, tomorrow for full consideration the motion to discharge the Military Affairs Committee. Let me further say, without further debate today, that it is true that the War Department and the Navy Department and the Chief of the Selective Service System could do what the joint resolution proposes to do, but the Senator from Utah, the chairman of the Military Affairs Committee, knows as well as I do that they have not done it. The Senator further knows that when the joint resolution was introduced and referred to the committee letters were written by the War and Navy Departments and the Selective Service to the committee opposing the joint resolution. There is now in the record on this subject sufficient evidence to enable us to know that they are not going to do what the joint resolution provides. That is the reason why Congress should act, because the executive officers will not act upon the subject.

CREDIT FOR MILITARY SERVICE FOR RETIREMENT IN THE CIVIL SERVICE

Mr. DOWNEY. Mr. President, I appeal to Senators to let us proceed with the Federal pay bill without bringing in extraneous matters. Many think that the Senator in charge of the bill can stop such discussions. Of course, he cannot. I hope Senators will allow us to proceed.

Mr. President, before proceeding with the pay bill I request that the Senate vote on the motion heretofore made, which I now repeat, that the Senate concur in the House amendment to Senate bill 405.

Mr. WHERRY. Mr. President, I ask the Senator from California to give us a statement concerning the amendment, so I at least may know what we are talking about.

Mr. DOWNEY. Mr. President, twice already that statement has been made, so I am very happy to make it the third time.

Mr. WHERRY. I wish to say to the Senator from California that I have just returned from a meeting of conferees, and do not know what is under consideration. I think I am entitled to an explanation.

Mr. DOWNEY. Mr. President, several months ago the Senate passed a bill providing that members of the military forces should be entitled to credit for the time spent in the military service in calculating their civil-service retirement rights if they had previously been employed in the civil service. The Senate provided that a soldier or sailor claiming that right could take credit, at his option, alternatively for his military pay or his civilian pay. The House has decided in its wisdom that he should not be given the alternative right to claim credit at the rate of his military pay, but only at what his civilian pay was while he was under the civil service, and I ask the Senate to concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California that the Senate concur in the House amendment.

The motion was agreed to.

INCREASE IN COMPENSATION OF FEDERAL EMPLOYEES

The Senate resumed the consideration of the bill (S. 1415) to increase the rate of compensation of officers and employees of the Federal Government.

Mr. DOWNEY. Mr. President, I would request a record vote upon the pending amendment to the pay bill.

Mr. BYRD. Mr. President, the Senator from California proposes an amendment to Senate bill 1415. This amendment, I may say, was not considered by the Civil Service Committee. The amendment provides for the creation of "a commission to be known as the Federal Wage Commission which shall be composed of five persons appointed by the President. Members of the Commission shall be paid compensation at the rate of $12,000 per annum and shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the exercise of the functions of the Commission."

It shall be the duty—

The amendment says—

of the Commission to make a full and complete investigation with respect to salary and wage rates payable under existing law to officers and employees in or under the executive branch of the Government, and to report to the President and to the Congress at the earliest practicable date the results of its study and investigation, together with its recommendations concerning any necessary modifications in or revision of the Federal salary and wage structure.

Let it be understood, Mr. President, that this amendment refers not only to the employees under the classified civil service but likewise refers to the employees under what is known as the wage-board group. I think the submission of this amendment by the Senator from California emphasizes what the Senator from Virginia has been saying with respect to the pending legislation since it was taken up in the Senate on December 5, namely, that adequate information is not now available and that sufficient consideration has not been given to this very vital legislation.

If such an investigation as that proposed is needed and necessary—and I think the Senate and the House should have much more information than they now have with respect to this vital question—then the Senator from California is putting the cart before the horse. He should have the investigation before this wage increase legislation is passed, which provides an increase in the basic wages of the employees whom it affects, the increase to be a permanent one.

Mr. President, I merely want to say a word about the course of this legislation since it was reported to the Senate. It was reported to the Senate on December 5, and off and on has been debated by the Senate. The Senator from California has been very courteous and has yielded to a number of other Senators permitting them to take up for consideration bills in which they were interested, and which were of vital importance, I may say. But let me remind the Senate that this yielding on the part of the Senator from California has been a voluntary one. Not in a single instance, so far as I can recall in the five or six times he has yielded to the consideration of other legislation, has he requested a roll call or has he opposed to the point of submitting the matter to the Senate as to whether or not other legislation should supplant the legislation which was then pending. Then, Mr. President, after 10 days of this debate, this off-and-on debate, I may say,

the Senator from California, on December 15, as I recall, proposed an entirely new substitute for the bill which the Civil Service Committee had reported to the Senate. I shall have something to say later as to the method by which that bill was reported. But the Senator from California, as chairman of the Civil Service Committee, without any action on the part of the committee, and, so far as I know, without consulting any other member of the committee, on December 15 offered an entirely new substitute, with the exception of a single paragraph of three lines, for the bill he reported as chairman of the Civil Service Committee.

I cite that fact to show the confusion which exists with respect to this legislation. The chairman of the Civil Service Committee himself is not certain in his own mind as to what form the increase in compensation of employees of the Federal Government should take. The bill reported by the Civil Service Committee—and I may say not by a majority of the committee, but by only 5 out of 10 members—provided for a 20-percent flat increase, while the substitute proposed by the Senator from California on December 15 provided for a graduated increase, and was a complete change—a reversal of the position taken by the committee and the Senator from California.

If any charges of delay are made in connection with this legislation, let it be said that the chairman of the Civil Service Committee, the Senator from California, offered a substitute and after it was discussed for an entire day he withdrew the substitute, and the bill originally reported by the Civil Service Committee is back before the Senate.

We read in the newspapers of this morning that the Senator from California proposes again to offer his substitute thus completely reversing once more the method which he advocated in the Civil Service Committee for the increase of these salaries.

Mr. LANGER rose.

Mr. BYRD. Mr. President, does the Senator wish me to yield to him?

Mr. LANGER. I should like to take the floor in my own right.

Mr. BYRD. Let me say to the Senator that I expect to speak for some time.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. LANGER. I wish to make it plain to my colleagues on this side of the Chamber that the pending amendment would create five or more jobs at $12,000 a year for members of a brand new commission which in my judgment is absolutely unnecessary. In addition, the five members who might be appointed would have full authority to hire anyone they might think it was necessary to hire in order to assist them. The amendment provides that they shall be reimbursed for travel, subsistence, and other necessary expenses. There is no limit to the number of employees they could hire. As the ranking Republican member on the Civil Service Committee, I repeat that in my judgment this is entirely unnecessary.

Mr. HICKENLOOPER. Mr. President, will the Senator from Virginia yield to me so that I may ask the Senator from North Dakota a question?

Mr. BYRD. I yield.

Mr. HICKENLOOPER. I ask the Senator from North Dakota, who is the ranking Republican member on the Civil Service Committee, whether he knows of any testimony, evidence, or investigation on the part of the Civil Service Committee into the subject matter of the pending amendment.

Mr. LANGER. At no time has there been even a suggestion that a committee of three, five, seven, or any other number should be appointed by the President for this purpose.

I invite attention to subparagraph (b):

> (b) It shall be the duty of the Commission to make a full and complete investigation with respect to salary and wage rates payable under existing law to officers and employees in or under the executive branch of the Government, and to report to the President and to the Congress at the earliest practicable date the results of its study and investigation, together with its recommendations concerning any necessary modifications in or revision of the Federal salary and wage structure.

In other words, those five members and the horde of assistants whom they might employ would be on the pay roll for the remainder of this year, all of 1946, all of 1947, and all of 1948. No time limit is set for the submission of a report. I wish to make it clear that I am unequivocally opposed to the amendment.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. DOWNEY. The distinguished Senator from Virginia has seen fit to indulge in much criticism of the conduct of the chairman of the Committee on Civil Service. Regardless of the motive from which the criticism springs, it does not advance the cause of government, of statesmanship, or of the Federal employee. If I were as culpable as the distinguished Senator would have his auditors believe such criticism would not accomplish anything for the Federal employees. Let me say this——

Mr. BYRD. Mr. President, I will not yield indefinitely. If the Senator wishes to make an oration he can do so in his own time.

Mr. DOWNEY. Let me say this to the distinguished Senator: By presenting the amendment which he proposes to offer, and which is on the desk, he is totally shifting the method of calculating the increase in compensation of Federal employees, so that Senators will become confused in weighing the proposal in the bill and the proposal of the Senator from Virginia. I do not say that he has done so designedly, but that is certainly the effect. So far as I am concerned, I shall attempt to bring before the Senate a parallel proposal, following the same type of formula which the Senator from Virginia is using. The Senator can censor the chairman for doing so if he so desires, but the chairman believes that that should be done in the interest of clarity.

Mr. BYRD. Mr. President, these are the facts: The amendment which has been drawn by the Senator from Virginia follows exactly and extends the formula which was adopted for the increase which went into effect on July 1 and is now in effect. It proposes the same type of increase, except that the percentage is raised. The Senator from California, as a member of the Civil Service Committee, voted for that bill when it was reported last June.

There is nothing new or strange about the proposal. It so happens that the Senator from Virginia believes in a graduated scale. I believe that the increases should be graduated, and that there should not be a horizontal increase, as proposed by the Senator from California in both his bills—the one before us now and the one last June when he proposed a horizontal increase of 15 percent. The committee overrode him and adopted the formula which merely would be extended by the amendment intended to be proposed by the Senator from Virginia.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. DOWNEY. Is it not true that the bill reported from the committee provided for a 20-percent increase over the basic increase which was given on July 1, 1945, while the Senator, in his proposal, would wipe out that basic increase and go back to a prior date?

Mr. BYRD. My amendment would go back to the formula which previously has been adopted by the Congress, and has been in use for nearly 6 months, so nothing new has been sprung on the Senate. Nothing new has been done. My amendment would merely extend the present law, which I may say has been eminently satisfactory—more so than the flat increase proposed by the Senator from California last June would have been.

Mr. President, I do not wish to criticise the Senator from California. I hope he will not think that I am doing so, because I am not. But he is the chairman of an important committee. Frankly, I feel that when the chairman of a committee reports a bill he should not offer a complete substitute for the bill without consulting members of the committee. I have never known of such a thing being done during the entire time that I have been a Member of the Senate.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. CHAVEZ. The Senator from Virginia has clearly stated my objections to the pending amendment. Some of us felt that possibly the committee which was handling the bill was correct, and I was willing to do my share and contribute what little I could toward disposing of the bill. But daily, when we are ready to vote on the bill, we find ourselves confronted with a new proposal. I know there are some of us who are ready to vote on the question whether the bill reported by the committee should be passed. But once in a while we become somewhat confused.

Mr. BYRD. I may say to the Senator from New Mexico that I do not think he will have such an opportunity, because the Senator from California is going to

[PUBLIC LAW 265—79TH CONGRESS]

[CHAPTER 584—1ST SESSION]

[S. 405]

AN ACT

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 2 of section 5 of the Civil Service Retirement Act of May 29, 1930, as amended, be, and the same is hereby, amended by striking out all of the said paragraph 2 thereof and inserting in lieu thereof the following:

"In computing length of service for the purposes of this Act, all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, except leaves of absence granted employees while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States or while receiving benefits under the United States Employees' Compensation Act, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute."

Approved December 21, 1945.